

REMARKS

STATUS OF CLAIMS

Claims 1-3, 5, 7-9, 11-14 and 16-18 are pending in the application.

Claims 1-3, 5, 7-9, 11-14 and 16-18 are rejected.

Thus, claims 1-3, 5, 7-9, 11-14 and 16-18 remain pending for reconsideration, which is respectfully requested.

No new matter has been added in this response. The foregoing rejection is hereby traversed as follows.

An After Final Office Action was mailed July 14, 2004. A Reply After Final in response to the After Final Office Action was filed on November 15, 2004. An Advisory Action in response to the Amendment After Final was mailed on December 7, 2004, in which the Examiner reconsidered the Reply After Final and asserted that the request for reconsideration did not place the application in condition for allowance.

In the Advisory Action, the Examiner checked boxes 5(c) indicating that request for reconsideration has been considered but does not place the application in condition for allowance because, as provided in the Continuation Sheet, the previous arguments that there is no suggestion to combine the references Kenny and Zweig has not been persuasive. In particular, the Examiner asserts that the combination of Kenny and Zweig would have suggested to one of ordinary skill that Zweig use is not just limited to a home and thereby is also useable in a "real shop."

Applicants respectfully submit clarifying remarks along the lines of the Reply After Final and request reconsideration of the remarks and the claims, including a request for Examiner interview, in response to the After Final Office Action of July 14, 2004 and the Advisory Action of December 7, 2004.

CLAIM REJECTIONS – 35 U.S.C. §103

Claims 1-3, 5, 7-9, 11-14, 16 and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kenney (US 6,381,583) in view of Zweig (US 6,658,325). Page 2, item of the Office Action. Zweig is newly cited, and, thus, newly relied upon.

Claim 18 was rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kenney and Zweig as applied to claim 1 above, and further in view of Van

Kommer (6,584,376). Page 7 of the Office Action. Van *Kommer* is newly cited, and, thus, newly relied upon.

Applicants respectfully request consideration by the Examiner of all factors in support of lack of suggestion to combine *Kenny* with *Zweig*. In particular, in response to the Examiner's assertion in the Advisory Action Continuation Sheet that a "combination of *Kenny* and *Zweig* would have suggested to **one of ordinary skill** that *Zweig* use is not just limited to a home," Applicants assert that finding of a suggestion to combine in the knowledge generally available to one of ordinary skill in art should be supported by documentary evidence, and the relied up reference of *Zweig* fails to provide such a documentary evidence support. See also, for example, USPTO's February 21, 2002 Memorandum on Relying on Facts Which are Not of Record as Common Knowledge or for Taking Official Notice (copy enclosed). Applicants request consideration of the following factors in support of finding a lack of suggestion or motivation to one skilled in the art to combine *Zweig* with *Kenny* to provide the claimed present invention:

1. In contrast to *Kenny* and *Zweig*, the claimed present invention provides, "if instruction information regarding **a designated display manner of an article, which was selected from among a plurality of articles of one commodity**, is received ... **outputting to a robot including a camera, a first request for acquiring image information at this moment** according to said designated display manner **of the selected article itself**, said robot provided for **a real shop** and moving around within said real shop ... **to enable a user of said user terminal to evaluate an actual state** of the selected article itself" (e.g., claim 1).

The examiner cites Fig. 7 in *Kenny*. However, the description for Fig. 7 is only in col. 9, line 57 to col. 10, line 4 in *Kenny*, and this portion of *Kenny* only indicates that the items to be reordered and on special are displayed. Therefore, Fig. 7 shows only kinds of commodities, and does not disclose or suggest the claimed present invention's, "a method of **selling a commodity via a network, ... an article, which was selected from among a plurality of articles of one commodity ... to enable a user of said user terminal to evaluate an actual state** of the selected article itself" (e.g., claim 1).

1. (PREVIOUSLY PRESENTED) A method of **selling a commodity via a network**, said method comprising:

if instruction information regarding **a designated display manner of an article, which was selected from among a plurality of articles of one commodity**, is received from a user terminal, **outputting to a robot including a camera, a first request for acquiring image information at this moment** according to said designated display manner **of the selected article itself, said robot provided for a real shop and moving around within said real shop**; and

transmitting to said user terminal, said image information of the selected article itself to enable a user of said user terminal **to evaluate an actual state** of the selected article itself, said image information taken by said camera included in said robot.

The claimed present invention is directed to “a method of **selling a commodity via a network, ... an article, which was selected from among a plurality of articles of one commodity ... to enable a user of said user terminal to evaluate an actual state** of the selected article itself” (e.g., claim 1), which is not disclosed or suggested in both Kenny and Zweig, because Zweig also does not disclose or suggest that the robot moves within “**a real shop**.” Therefore, Zweig does not disclose or suggest a situation in which one tomato is selected among a lot of tomatoes exhibited in the real shop, for example.

2. The claims recite additional patentably distinguishing features other than “**a real shop**,” which must also be considered in finding a combination suggestion by one of ordinary skill. For example, independent claim 1 recites, “a method of **selling a commodity via a network, ... if instruction information regarding a designated display manner of an article, which was selected from among a plurality of articles of one commodity**, is received ... **outputting to a robot including a camera, a first request for acquiring image information at this moment** according to said designated display manner **of the selected article itself, said robot provided for a real shop and moving around within said real shop**,” and “**transmitting** to said user terminal, **said image information of the selected article itself** to enable a user of said user terminal **to evaluate an actual state of the selected article itself** ...,” which can be provided if a robot is located in a real shop and the robot provides an image of real commodities in the real shop “**to enable a user of said user terminal to evaluate an actual state** of the selected article itself.”

3. Zweig does not provide any suggestion (or motivation) to be combined with Kenney or to modify Kenney to achieve the claimed present invention as recited in independent claim 1, 7 and 12, because Zweig does not contemplate using an in-store mobile robot for online

shopping, but Zweig discloses bringing a mobile robot in the vicinity of multiple short range, bi-directional, digital radio links (SBDRL) external peripherals, as “robotic cooperative equipment” to augment functions of the robot (column 3, line 63 to column 4, line 39, column 4, lines 47-57 and column 8, lines 25-37).

4. Further, although Zweig discloses, for example, in column 7, lines 46-49 (which is relied upon by the Examiner), that “prior art generally teaches that mobile robots primarily interact with their environment through sensors and mechanical actuators (robotic arms, and the like) located on the robot itself,” Zweig does not disclose or suggest as the robot environment the claimed present invention’s, “robot provided for **a real shop and moving around** within said real shop” for purpose of “**selling a commodity via a network**” when “instruction information regarding **a designated display manner of an article, which was selected from among a plurality of articles of one commodity**, is received from a user terminal, **outputting to a robot including a camera, a first request for acquiring image information at this moment** according to said designated display manner **of the selected article itself ... to enable a user of said user terminal to evaluate an actual state** of the selected article itself.”

In view of the foregoing remarks, it is respectfully submitted that the relied upon reference of Zweig fails to provide a motivation to one skilled in the art to combine Kenny with Zweig, and even if one combined Kenny with Zweig, the combined system cannot achieve the claimed present invention, because Zweig is directed to enhancing a robot’s functions via external peripherals as “robotic cooperative equipment” (column 3, line 63 to column 4, line 39, column 4, lines 47-57 and column 8, lines 25-37), and Zweig does not contemplate using a robot as part of “selling a commodity via a network.”

DEPENDENT CLAIMS 5 AND 17

Also, it is respectfully requested that the Examiner expressly consider and respond to dependent claims 5 and 17 arguments in the Reply After Final of November 15, 2004.

CONCLUSION

In view of the remarks, withdrawal of the rejection of pending claims and allowance of pending claims is respectfully requested.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,
STAAS & HALSEY LLP

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By: 
Mehdi Sheikerz
Registration No. 41,307

1201 New York Ave, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501